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H.R. 5863 -- The Oil Pollution Wildlife Protection Act

Background

- In evaluating the causes of the Deepwater Horizon oil disaster, government investigators and the [New York Times](#) uncovered evidence that the former Minerals Management Service (MMS) routinely approved drilling projects without seeking permits to allow drilling where it might harm endangered species or marine mammals from the National Oceanic and Atmospheric Administration (NOAA) as required by landmark environmental laws like the Endangered Species Act and Marine Mammal Protection Act.
- Prior to the Gulf Spill, NOAA repeatedly raised this issue with MMS, accusing MMS of regularly under-representing the environmental damage to the many endangered species found in the Gulf of Mexico. Federal records, including a September 2009 letter, show that NOAA's concerns were disregarded by MMS and that MMS regularly understated the frequency of oil spills, minimized the consequences of potential oil spills and overlooked these issues while highlighting selective safety statistics.
- MMS also routinely pushed aside, edited or changed the professional biological assessments of its staff scientists when they raised concerns regarding the serious environmental impacts of proposed projects.
- While reform and reorganization of MMS has begun, this issue has not been addressed. Additionally, the current judicial review provision of the Outer Continental Shelf Lands Act—the law governing offshore oil development—has several central shortcomings that have curtailed its efforts to challenge and highlight MMS's disregard for wildlife permitting.

What the Oil Pollution Wildlife Protection Act does:

- Increases openness and transparency in drilling on federal lands by requiring notice in the federal register of exploration, development and production plans.
- Ensures permits for Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Act and others are received by the Department of Interior before oil plans are made by requiring the Secretary of the Interior to certify in the Federal Register that such permits have been obtained. This applies to exploration, development and production plans.
- Protects endangered marine wildlife by ensuring that the total impact of oil and gas development is accounted for on marine wildlife populations, in addition to the impact of each individual project.
- Strengthens the public oversight of agency actions and ensures that the proper permits are received by amending the judicial review section of the Outer Continental Shelf Lands Act to:
 - Meet a court finding that that Congress needs to specify when it wants the federal courts to review agency decision making during multi-stage processes (such as the four stage off shore oil development process);
 - Clarify the authority to challenge the agency if it does not obtain a correct permit;
 - Strengthen public oversight of the Marine Mammal Protection Act for offshore oil drilling.

Supporting Organizations

- Natural Resources Defense Council